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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,000	05/30/2002	James Thomas Edward McDonnell	B-4458PCT 619452-2	6388

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FORT COLLINS, CO 80527-2400

EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,000	MCDONNELL ET AL.	
	Examiner	Art Unit	
	Anthony S. Addy	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 26, 2005 has been entered.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on May 24, 2000. It is noted, however, that applicant has not filed a certified copy of the GB 0012445.3 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by **Glick et al., U.S. Publication Number 2002/0051540 A1 (hereinafter Glick)**.

Regarding claims 31 and 33, Glick teaches a system and a control method for enabling equipment to decrypt encrypted target data stored on a removable data carrier or in a received data file (see paragraph 0017, lines 1-17, paragraph 0118, lines 1-13 and paragraph 0120, lines 15-22), the method comprising: sending identity information identifying said target data from the equipment to a remote service system (see paragraph 0059, lines 1-21); using the identity information at the service system to retrieve authorized-location data that is associated with the target data and represents a predetermined authorized location or locality for decrypting the target data (see paragraph 0058, lines 1-10, paragraph 0059, lines 1-21 and paragraph 0061, lines 13-20); obtaining at the service system current-location data representing the current location of the equipment as determined by a location-determining system separate from said equipment (see paragraph 0061, lines 8-13 and paragraph 0066, lines 1-18); comparing at the service system, the current-location data with the authorized-location data and upon this comparison indicating that the equipment is currently located in said authorized location or locality (see paragraph 0061, lines 8-20), and subject to any other conditions set to be tested at the service system being satisfied, returning a decryption key for the identified target data to said equipment (see paragraph 0086, lines 1-12 and paragraph 0087, 15-21); and at said equipment, using the decryption key to decrypt the encrypted target data (see paragraph 0087, lines 1-26).

Regarding claims 32 and 34, Glick teaches all the limitations of claims 31 and 33. In addition, Glick teaches a system and method, wherein the equipment communicates with the service system by a communications infrastructure comprising a cellular radio network (see paragraph 0120, lines 1-15), the location determining system using signals associated with the cellular radio network to determine the location of the equipment (see paragraph 0066, lines 1-18), and the remote service system obtaining said current-location data from the location determining system either directly or via the equipment (see paragraph 0061, lines 8-20 and paragraph 0066, lines 1-18).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Denning et al., U.S. Publication Number 2002/0136407 A1 discloses system and method for delivering encrypted information in a communication network using location identity and key tables.

Murphy, U.S. Patent Number 6,317,500 discloses method and apparatus for location-sensitive decryption of an encrypted signal.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

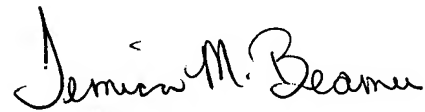
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy
August 3, 2005



TEMICA BEAMER
PRIMARY EXAMINER